

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAMBDA LABS, INC.,

Plaintiff,

v.

LAMBDA, INC.,

Defendant.

Case No. 19-cv-04060-JST (TSH)

**DISCOVERY ORDER**

Re: Dkt. No. 112

The parties have filed a joint discovery letter brief concerning whether School must produce posts it has removed from its official Reddit page. ECF No. 112. The Court believes that this dispute is largely resolved by its order at ECF No. 84. With respect to student and employee complaints about School, the Court ordered:

RFPs 66 and 67. Labs clarifies that it “seeks documents concerning only the specific categories of complaints identified in its motion: complaints regarding the quality of Lambda School’s services, curriculum, and instructors; student employment and career placement; and income sharing agreements.” Labs explains that “[t]hese narrowed requests are proportional because Lambda School only needs to search files collected from the agreed-to high-level custodians and centralized data sources, not the files of everyone who receives or discusses student complaints.” This narrowing is much better because it focuses on complaints that are likely to be relevant to School’s reputation in a way that could be relevant to damage to Labs’ goodwill. School is right, of course, that “the complaints Labs seeks are not actually conclusive as to the quality of education. It is doubtful that any student of any school went through their entire education and did not have a single complaint about *something*, but that does not mean they were dissatisfied with their education.” (emphasis original). But evidence does not have to be dispositive to be discoverable, just relevant and proportional. Also, limiting these RFPs to the identified custodians (as opposed to, say, every employee) and centralized data sources means that these RFPs are likely to capture more substantial complaints and complaints that were tracked in some manner, which adds to their relevance and tends to confirm their proportionality. Accordingly, the Court orders School

1 to produce documents responsive to these RFPs as narrowed by Labs  
2 in the letter brief. (ECF No. 84 at 2-3.)

3 At the time the Court did not have a view of what all of School's centralized data sources  
4 were, but its official Reddit page certainly qualifies. This cannot come as a surprise to School,  
5 which has long acknowledged that Labs requested documents from Reddit. ECF No. 70 at 7.  
6 From the examples provided in connection with the joint discovery letter brief, it does appear that  
7 some Reddit posts have complaints that fall within the scope of the Court's order at ECF No. 84.

8 To address an issue raised by School in the joint discovery letter brief, the Court's order  
9 limited the sources to be searched as a mechanism to find more substantial complaints as opposed  
10 to mere chatter. The Court did not, as School seems to suggest, hold that only "substantial"  
11 complaints within those sources need be produced – that would be a vague and unworkable  
12 standard.

13 At the hearing the parties discussed the timing of this document production. School  
14 represented that reviewing the removed Reddit posts to determine which ones come within the  
15 scope of the Court's prior order will be a manual exercise, and Labs provided no basis to disagree.  
16 School represented that it could produce previously removed posts within three weeks and that on  
17 a going forward basis it can produce newly removed posts within one week of the removal. That  
18 seems like a reasonable time frame. The Court realizes that fact discovery closes in a little more  
19 than a month and understands that Labs would like to take follow up discovery once it receives the  
20 removed posts, and this document production timetable may make that difficult. However, fact  
21 discovery does eventually end, and both parties agree that end should be February 26, 2021, *see*  
22 ECF Nos. 106, 107, as the Court has ordered. ECF No. 111.

23 Accordingly, the Court orders School to produce copies of removed Reddit posts that fall  
24 within the scope of the Court's order at ECF No. 84 on the timetable discussed above.

25 **IT IS SO ORDERED.**

26 Dated: January 21, 2021

27   
28 THOMAS S. HIXSON  
United States Magistrate Judge